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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,777	03/23/2004	Wesley C. Fort	NOR-1061A	2383

37172 7590 11/08/2004

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EXAMINER

BAREFORD, KATHERINE A

ART UNIT PAPER NUMBER

1762

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/806,777

Applicant(s)

FORT ET AL.

Examiner

Katherine A. Bareford

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: <sup>(1)</sup> at page 1, line 2 of the specification, applicant should replace "(now pending)" with "now U.S. Patent No. 6,780,248"

(2) at page 7, line 13, "3-6" should be "3, 4, 5 and 6".

Appropriate correction is required.

### *Claim Objections*

2. Claim 7 is objected to because of the following informalities: claim 7 should apparently depend from claim 5 rather than claim 6, because claim 5 provides antecedent basis for "the conveying position" of claim 7, line 2. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordson Application Bulletin "Cotton Swab Manufacturing" (hereinafter NAB) in view of Zimmer (US 4943451).

NAB teaches a method of applying adhesive to at least a first end of a rod shaped member having a longitudinal axis. Page 1 and figure. The rod shaped member is conveyed in a machine direction with the longitudinal axis of the member extending transverse to the machine direction. Figure. Adhesive is applied to the first end from a first discharge passage. Page 1 and figure (from the slot of the slot nozzle). The rod shaped member is rotated during this process. Page 1 and figure.

Claim 8: NAB teaches performing the identical application method on both ends of the rod. Figure and page 1.

NAB teaches all the features of these claims except the adhesive application surface and its features (claims 1-3).

However, Zimmer teaches an application device and method for applying a liquid to a surface from a slot nozzle. Figures 1 and 11, column 1, lines 10-20 and column 5, lines 10-40. Liquid discharges from a slot of the slot nozzle onto a substrate. Figures 1 and 11 and column 5, lines 10-40. While the substrate is described as a sheet, the substrate can also have a curved, roll like shape, with the roll shape rotating beneath the nozzle. Figures 1 and 11 and column 1, lines 10-20. The slot nozzle device is provided with a surface acting as an application surface, where

the substrate and the application surface maintain contact of downstream of the discharge passage slot to distribute the discharged liquid on the substrate. Figure 1 and column 1, lines 10-68 (see the action of 10b and 11b surface). The application surface can contain grooves extending in the machine direction of movement of the substrate in the form of a grooved roller in the application surface. Figure 11 and column 12, lines 10-15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify NAB to provide the extended application surface after the discharge passage as suggested by Zimmer in order to provide an evenly distributed coating, because NAB teaches to apply a liquid adhesive to a rotating substrate from a slot nozzle, and Zimmer teaches that when applying a liquid to a substrate from a slot nozzle onto a curved, rotating substrate, it is desirable to provide an extended application surface from the slot in order to evenly distribute and smooth the applied liquid. It further would have been obvious to modify NAB in view of Zimmer to maintain contact for substantially a full revolution of the substrate to provide for all of the coating on the substrate in rod form to be smoothed and distributed, as it would be desirable to apply the beneficial effects of the application surface to all of the coating applied to a surface. It would further have been obvious to modify NAB in view of Zimmer to provide rotating the substrate over grooves in the application surface, with an expectation of desirable smoothing and distributing, because Zimmer teaches providing a grooved roller in the application surface for desirable smoothing and distributing.

6. Claim 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over NAB in view of Zimmer as applied to claims 1-3 and 8 above, and further in view of the admitted state of the prior art.

NAB in view of Zimmer teaches all the features of these claims except the detecting and activating (claim 6) and the movement back to conveying position (claim 7).

However, the admitted state of the prior art, at page 3 of the application, teaches that it is known to manufacture cotton swabs using an on/off adhesive dispensing valve having slot nozzles positioned in the respective paths of the ends of the sticks (rods). The sticks move over the slot nozzles which are activated and the sticks simultaneously rotate such that the ends of the sticks receive the discharge adhesive.

It is the Examiner's position that it is well known in the art of application with slot nozzles to provide a detector for indicating what position the substrate is in relative to the applicator. If applicant disagrees, he should so state on the record.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify NAB in view of Zimmer to provide the use of the a dispensing valve as suggested by the admitted state of the prior art in order to provide coated rods without wasting adhesive, because NAB in view of Zimmer teaches to apply a liquid adhesive to a rotating rod substrate from a slot nozzle, and the admitted state of the prior art teaches that when applying a liquid adhesive to a rotating rod substrate from a slot nozzle, it is desirable to provide an on/off dispensing valve such that the nozzles are activated when the rods move over the nozzles to apply the adhesive. In order for this to occur, a well known detection device would desirably be provided

to indicate that the rod member was in position relative to the slot nozzle so that the nozzle should be activated, as this would prevent waste of adhesive. It would further have been obvious that the rod shaped member would be moved back to the conveying position after the adhesive was applied, because as shown by the figure of NAB, after application, the rod is conveyed to the cotton application stations.

#### *Allowable Subject Matter*

7. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or suggest the claimed discharging of adhesive through a plurality of passages aligned with the grooves (claim 4) or the claimed transverse movement to the application position (claim 5).

#### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:30-4:00) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

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Other inquiries can be directed to the Tech Center 1700 telephone number at (571) 272-1700.

Furthermore, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**KATHERINE BAREFORD**  
**PRIMARY EXAMINER**